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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/542,605	05/01/2006	Gilles Henry	Q89216	7178
23373	7590	07/17/2007	EXAMINER	
SUGHRUE MION, PLLC 2100 PENNSYLVANIA AVENUE, N.W. SUITE 800 WASHINGTON, DC 20037			MEYER, KATY E	
			ART UNIT	PAPER NUMBER
			3618	
			MAIL DATE	DELIVERY MODE
			07/17/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/542,605

Applicant(s)

HENRY, GILLES

Examiner

Katy Meyer

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 18 July 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-8 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1 and 6-8 is/are rejected.
- 7) ☒ Claim(s) 2-5 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 18 July 2005 is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
- 1) ☐ Certified copies of the priority documents have been received.
 - 2) ☐ Certified copies of the priority documents have been received in Application No. _____.
 - 3) ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Claim Objections

Claim 1 is objected to because of the following informalities: In line 2, "au" should be replaced with --an--. In line 10, "uptight" should be replaced with --upright--. Appropriate correction is required.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1 and 6 – 8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Mohtasham et al. (US 5,184,865) in view of Kassai (4,386,790).

As for claim 1, Mohtasham et al. disclose a baby carriage (50), comprising a collapsible protective structure (10, Fig. 1) made in a flexible material, wherein the baby carriage comprises: an upright (see Fig. 1); support means (5) for the protective structure; wherein the support means (5) comprise at least one support unit (11) that is elastically bendable through buckling, the support unit being jointed to a first point on the upright and to a second point on the stroller and being adapted so as to take a bent buckling position when the seat is in use.

Mohtasham et al. do not disclose a collapsible baby carriage. Kassai teaches a collapsible baby carriage (Fig. 8) comprising a jointed structure (108, 208, 204). It would have been obvious to one of ordinary skill in the art at the time the invention was

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made to use the protective structure taught by Mohtasham et al. with the collapsible stroller taught by Kassai, as it is very well known in the art that collapsible strollers are advantageous when traveling or storing the stroller.

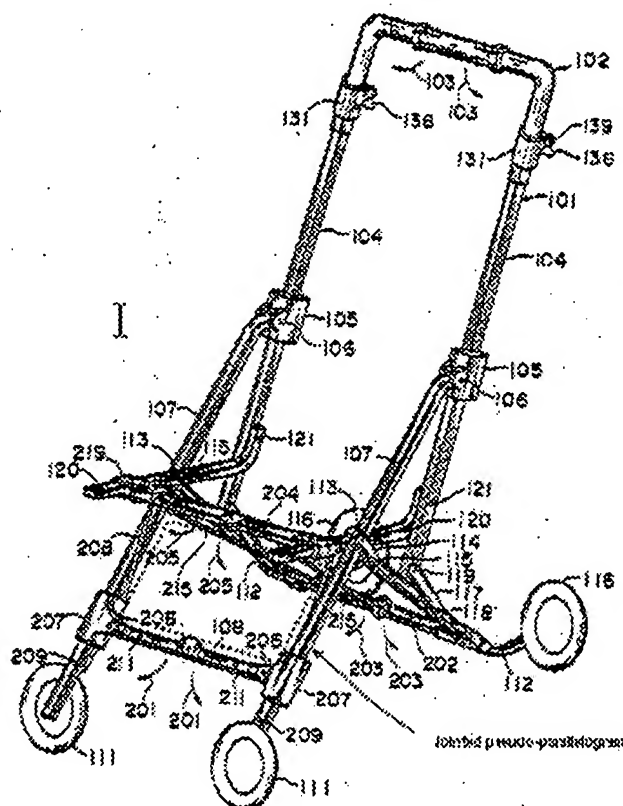


Figure A

As for claim 6, Kassai discloses a jointed structure forming a pseudo-parallellogram (See Fig. A above, a reproduction of Kassai's Fig. 8, with notations added). If the protective structure taught by Mohtasham were used with the stroller taught by Kassai, the second point on the protective structure would be close to one of the vertices of the pseudo-parallellogram (see Mohtasham, Fig. 1).

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As for claim 7, Mohtasham discloses a protective structure that is removable (column 1, lines 62 – 67).

As for claim 8, Mohtasham a support unit that is elastically bendable through buckling (11), joined to two points on a baby carriage frame, and taking a bent, buckling position when the seat is in use. Kassai teaches a collapsible seat (Fig. 8) comprising a pair of collapsible legs (209), each of which is associated with a jointed structure (108, 208, 204).

Allowable Subject Matter

Claims 2 – 5 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Conclusion

The prior art made of record, but not relied upon is considered pertinent to applicant's disclosure. Gebhard (US 3,917,302), Banks et al. (US 4,533,170), Boudreau et al. (US 4,165,097), Au (US 6,224,073), and Eyman et al. (US 5,468,009) teach protective structures for baby carriages.

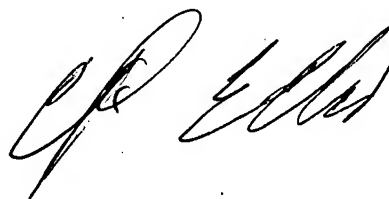
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Katy Meyer whose telephone number is 571-272-5830. The examiner can normally be reached on Monday - Friday, 7:30 am to 5:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Christopher Ellis can be reached on 571-272-6914. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.


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